

**123 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CR-136-2021 (O&M)**

**Date of decision:28.01.2021**

**Sat Narayan and others**

**.....Petitioners**

Versus

**Randhir and another**

**.....Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr.Saurabh Dalal, Advocate for the petitioners

**ANIL KSHETARPAL, J.**

The defendants-petitioners have filed this revision petition against the order passed by the Civil Judge, Junior Division, Rohtak, striking off their defence on the ground that more than 90 days have elapsed but no written statement or reply to the stay application has been filed.

Learned counsel for the petitioners contends that due to COVID-19 pandemic and restricted functioning of the courts, the defendants could not file the written statement. He submits that the written statement alongwith reply to the application for stay would be filed within 15 days from today. He points out that the suit is now listed in the first week of March, 2021.

Keeping in view the aforesaid limited prayer, this petition is allowed. The order dated 19.11.2020 is set aside. It is well settled that the defence of a party is required to be struck off only as a matter of last resort.

Since this order has been passed without issuing a notice to the plaintiffs, they shall be at liberty to file an application for revival.

Disposed of.

|                           |          |                          |
|---------------------------|----------|--------------------------|
| <b>28.01.2021</b>         |          | <b>(ANIL KSHETARPAL)</b> |
| rekha                     |          | <b>JUDGE</b>             |
| Whether speaking/reasoned | Yes /No  |                          |
| Whether Reportable        | Yes / No |                          |